

**MINUTES OF A WORKSHOP/MEETING OF THE GOVERNING BOARD  
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
HELD AT DISTRICT HEADQUARTERS, 3301 GUN CLUB ROAD, WEST PALM BEACH, FL  
WEDNESDAY, APRIL 12, 2000  
9:00 A.M.**

The following **Board Members** were present

Michael Collins  
Vera Carter  
Michael Minton  
Mitchell Berger  
Nicolas Gutierrez  
Gerardo Fernandez  
Trudi Williams  
Harkley Thornton

**CALL TO ORDER**

Chairman Collins called the workshop meeting to order at 9:30 a.m.

**Changes to the Agenda**

Chairman Collins moved item 12 to follow item 3, and item 10 to following item 4. He said item 8 has been moved to the Thursday Regular Meeting Agenda under Water Resources Operations.

**1. Board Questions for staff about any items on Thursday's Regular Meeting Agenda or Regulatory consent Agenda.**

Mr. Minton questioned item 30.

Mr. Thornton questioned items 14, 17, 35, 41, and 42.

**2. Board Review and Approval of The Agenda.**

Board Members approved the agenda by unanimous consent.

**3. Update on Everglades Restoration Diversity Plan.**

Mr. Aaron Weeks, Analysis and Compliance Manager, One Florida Program, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Jon Gleason, Contracting Manager, Procurement Department, presented information on input gained from the public on this issue.

*Board Members agreed to consider item 12 at this time.*

**12. Re-evaluation Mapping and Surveying Contracts/Survey Contracts**

Mr. Jon Gleason, Contract Manager, Procurement Department, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**4. Claims Settlement Policy, including Delegation of Settlement Authority.**

Mr. Scott Glazier, Practice Group Manager, Office of Counsel, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Glazier said staff is seeing guidance from the Board on this matter. He said staff will draft a proposed policy and bring it back in May for approval.

Board members agreed.

*Board Members agreed to consider item 10 at this time.*

**10. 8.5 Square Mile Area**

Mr. Dewey Worth, Lead Environmental Scientist, Everglades Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Col. Joe Miller, District Engineer, U.S. Army Corps of Engineers, commented on this issue. He said a full array of alternatives have been reviewed and a decision is expected in August 2000.

Ms. Cheryl Ulrich, Project Manager, USACE, presented information on the purpose of the General Re-Evaluation Report and Supplemental Environmental Impact document, and the history of the authorized project.

Mr. Berger expressed concern about the differences in the density projected by the USACE and by Miami-Dade County. Mr. Carlos Espinosa, Miami-Dade County, said demands for drainage and roads will continue in the 8.5 Square Mile Area, therefore the USACE assumption that density will not increase is unrealistic.

Mr. Chuck Sinclair, Project Manager, HDR Engineering, presented information on the project objectives and performance measures for this project. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Worth presented information on potential federal contributions and local costs for each alternative.

Mr. Minton asked for information on costs that can be attributed to Miami-Dade County.

Mr. George Neugent, Monroe County, expressed concern about water quality in Florida Bay and near-shore in Monroe County. He said flows must be restored through Shark River Slough and Taylor Slough. Mr. Nugent urged the Board to vote for option 2.

Mr. Carlos Espinosa, Miami-Dade County, said key issues include local costs for Miami-Dade County. He said the county is committed to working with all parties to resolve issues.

Mr. Steve Forsythe, U.S. Fish and Wildlife Service, commented on the draft coordination act report.

Ms. Joette Lorion, Miccosukee Tribe of Indians of Florida, said the USACE Alternative One is the least expensive and fastest plan, and is the most sensitive to people living in the area. She said the Tribe is concerned about the cost to Lake Okeechobee, tribal lands, and tree islands.

Ms. Karen Lee, Water Quality Group, said her organization supports full acquisition of the 8.5 Square Mile Area.

Ms. Isbel Aguilera, an 8.5 Square Mile Area resident, said the report regarding the density in the area is incorrect and is not a true portrait of the area.

## **5. Collaborative Efforts with FDEP on Torpedograss Control.**

Dr. Alan Steinman, Director, Lake Okeechogee Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. David Hazelief, Commissioner, Okeechobee County, expressed concern about the future health of Lake Okeechobee. He said the Lake is becoming a cesspool and urged the Board to lower lake levels immediately.

Mr. Carroll Head, Friends of Lake Okeechobee, urged the Board to become more involved in this issue.

## **6. Everglades Construction Project, Financial Update.**

Mr. Joe Schweigart, Director, Everglades Construction Project, presented the update. A copy of the material used in his presentation is included in the official record of this item.

## **7. Comprehensive Everglades Restoration Plan Update.**

Mr. Paul Warner, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**8. Water Conditions Report/CSS Sparrow Update.**

This item was moved to Thursday's agenda.

**9. Pre Approvals Discussion of Regional Water Supply Plans.**

Mr. Matt Morrison, Director, Water Supply Planning Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Cecile Ross, Senior Attorney, Office of Counsel, presented information on assurances issues.

Mr. Paul Ezzo, Senior Planner, Martin/St. Lucie Service Center, presented information on the Lower West Coast Regional Water Supply Plan and plan recommendations.

Ms. Janet Starnes, Senior Planner, Ft. Myers Service Center, presented information on the Caloosahatchee Water Management Plan.

Ms. Cecile Ross, Senior Attorney, Office of Counsel, presented information on the Regional Water Supply Plan approval process.

**11. Pre-approval Discussion of Proposed FY99-FY2000 Budget Amendment.**

Mr. Aaron Basinger, Director, Budget Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting. Mr. Basinger said the Board will be asked to adopt the amendment at the Thursday Regular Meeting.

Board Members agreed to take additional Public Comment at this time.

Mr. Gene Duncan, Miccosukee Tribe of Indians of Florida, noted that Congress directed in 1989 that a retaining wall be erected to protect the 8.5 Square Mile Area (SMA). He said the U.S. Army Corps of Engineers (USACE) plan will work and will be paid for by the USACE.

Ms. Shannon Estenoz, Everglades Coalition, expressed concern about the USACE Environmental Impact Statement.

Mr. Richard Grosso, Environmental Land Use Law Center, said his organization supports full acquisition of the 8.5 SMA.

*Board Members agreed to return to consideration of item 9 at this time.*

**9. Pre Approvals Discussion of Regional Water Supply Plans.**

Mr. Chris Sweazy, Water Resources Management, presented information on the Kissimmee Water Supply Plan. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Janet Llewellyn, Department of Environmental Protection, expressed concern about coordinating the resolution of issues concerning groundwater basins shared by the South Florida Water Management District and the St. Johns River Water Management District.

Mr. Edward de la Parte, representing the City of Orlando Utilities Commission, said it is important that the Districts within Orange County coordinate their efforts in planning for future water use.

Mr. Beacham Furse, Project Manager, U.S. Fish and Wildlife Service, expressed concern about the final draft of the plan. He said there has been no opportunity for USFWS officials to discuss the plan. He said the USFWS will send a comment letter from the Division Director to the District within the next 30 days.

Mr. Bill Dwinell, Friends of Lake Istokpoga Lake Association Inc., said the structure of the plan leaves the lake exposed to possible degradation unless all elements of the plan are implemented.

Mr. Clell Ford, Highlands County Soil and Water Conservation District, said the continued use of Lake Istokpoga as a surplus water source represents a threat to the health of the lake.

#### **BOARD COMMENT**

Mr. Thornton commented on the importance of recognizing the struggle between developed areas that are seeking additional water resources and undeveloped areas that may be asked to provide that water in the northern portion of the District.

#### **PUBLIC COMMENT**

Ms. Madeline Fortin, a resident of the 8.5 SMA, said any option that involves condemnation as a means of acquisition of lands in the 8.5 SMA is not achievable.

Ms. Joette Lorion, representing the Miccosukee Tribe of Indians of Florida, commented on the 8.5 SMA acquisition and the Modified Waters Delivery Project to Everglades National Park.

Mr. Mike Black, a Miami resident, expressed concern about the USACE Environmental Impact Statement. He requested that Board Members hold a workshop meeting in the 8.5 SMA on May 1, 2000 to address concerns about the plan.

Ms. Rosa Durando, Audubon Society of the Everglades, commented on the Palm Beach County Comprehensive Plan requirement that all new development must have a positive water drainage outfall. She said removing that requirement from the plan could lead to higher density development and water drainage problems.

Ms. Terrie Bates, Director, Environmental Resource Regulation, said all projects must meet District criteria.

#### **ADJOURNMENT**

There being no further discussion to come before the Board, the workshop meeting was adjourned at 4:00 p.m.

**MINUTES OF A MEETING OF THE GOVERNING BOARD  
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
HELD AT OFFICES OF THE DISTRICT,  
3301 GUN CLUB ROAD, WEST PALM BEACH FLORIDA  
THURSDAY, APRIL 13, 2000  
8:30 A.M.**

The following **Board Members** were present

Michael Collins, Chairman  
Michael Minton  
Vera Carter  
Mitchell Berger  
Nicolas Gutierrez  
Patrick Gleason  
Trudi Williams  
Harkley Thornton  
Gerardo Fernandez

Frank R. Finch, Executive Director

**CALL TO ORDER**

Chairman Collins called the meeting to order at 8:30 a.m., followed by the inspiration by Mr. Jerry Krenz and the pledge of allegiance to the Flag of the United States of America.

**Changes to Agenda**

Chairman Collins noted the addition of items 53, 58, and 59.

**Abstentions**

Ms. Williams abstained on item 30.

Mr. Minton abstained on item 31.

Mr. Berger abstained on items 30 and 31.

Mr. Gleason abstained on item 31.

**Approval of Minutes**

Chairman Collins noted changes handed out as additional back-up to the minutes of the Governing Board Workshop Meeting of March 8, 2000 and the Governing Board Regular Meeting of March 9, 2000.

**Motion by Ms. Carter to approve the minutes of the Governing Board Workshop Meeting of March 8, 2000 and the Governing Board Regular Meeting of March 9, 2000 as amended. Motion approved.**

### **Consider Schedule for Upcoming Meetings**

Chairman Collins asked that staff schedule a workshop item in May to address Lake Okeechobee issues.

### **Open the Public Hearing**

Chairman Collins opened the Public Hearing

#### **3. Approve the purchase of land interests containing 3.5 acres, more or less, in Miami-Dade County, 8.5 Square Mile Area Project (Phase I).**

Mr. Blair LittleJohn, Interim Department Director, Real Estate, Engineering and Construction, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to approve the purchase of land interests containing 3.5 acres, more or less, in Miami-Dade County, 8.5 Square Mile Area Project (Phase I), approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved. Nay – Mr. Gutierrez.**

#### **4. Approve the purchase of a flowage/inundation easement containing 57.34 acres, more or less, in Polk County, Tiger Lake, Kissimmee Chain of Lakes Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Berger asked if the owner has had this property appraised. Mr. Littlejohn said the purchase price is above the District's appraisal, but the landowners feel the property is worth more than the appraisal.

**Motion by Ms. Carter to approve the purchase of a flowage/inundation easement containing 57.34 acres, more or less, in Polk County, Tiger Lake, Kissimmee Chain of Lakes Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

- 5. Approve the purchase of land interests containing 62.59 acres, more or less, in Palm Beach County, Loxahatchee Slough Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gleason to approve the purchase of land interests containing 62.59 acres, more or less, in Palm Beach County, Loxahatchee Slough Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

- 6. Approve the purchase of the Release of Surface Exploration Rights to 8.9 acres, more or less, located in Palm Beach County, Everglades Construction Project, STA-1E.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gleason to approve the purchase of the Release of Surface Exploration Rights to 8.9 acres, more or less, located in Palm Beach County, Everglades Construction Project, STA-1E. Motion approved.**

- 7. Approve the purchase of land interests containing 100.00 acres, more or less, in Miami-Dade County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Berger to approve the purchase of land interests containing 100.00 acres, more or less, in Miami-Dade County, East Coast Buffer Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund and/or Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**



- 8. Approve an Interlocal Agreement With Palm Beach County for the acceptance of an assignment of option and subsequent acquisition of land containing 626.97 acres, more or less, in Palm Beach County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gleason to approve an Interlocal Agreement With Palm Beach County for the acceptance of an assignment of option and subsequent acquisition of land containing 626.97 acres, more or less, in Palm Beach County, East Coast Buffer Project and authorize the Executive Director or his designee to execute the agreement.**

Ms. Erin Deady, National Audubon Society, said her organization supports approval of this acquisition, and also approval of item 9.

Ms. Rosa Durando, Audubon Society of the Everglades, said her organization supports approval of this acquisition.

Ms. Joanne Davis, a Lake Worth resident and Chairman of Palm Beach County's Conservation Lands Acquisition and Selection Committee, said she supports this acquisition.

Mr. Gleason commended staff for their efforts on this project, and noted that Palm Beach County is funding \$9 million for this purchase.

**Motion approved.**

- 9. Approve an assignment of an Option Agreement to purchase land interests containing 626.97 acres, more or less, in Palm Beach County, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr Minton noted a conflict with this item and said he will abstain.

Mr. LittleJohn said the seller had requested that the reservoir or other Water Preserve Area improvement constructed on this property be named after Mr. George McMurrain, Sr., and that the Board make this same naming recommendation to the U.S. Army Corps of Engineers.

**Motion by Mr. Gleason to approve an assignment of an Option Agreement to purchase land interests containing 626.97 acres, more or less, in Palm Beach County, East Coast Buffer Project, approve declaring surplus, disposal of , and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved. Abstain – Mr. Minton.**

- 10. Approve the purchase of land interests containing 288.49 acres, more or less, in Lee County, CREW Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Williams to approve the purchase of land interests containing 288.49 acres, more or less, in Lee County, CREW Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

- 11. Approve the purchase of land interests containing 117 acres, more or less, in Lee County, CREW Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Williams to approve the purchase of land interests containing 117 acres, more or less, in Lee County, CREW Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition, authorize a Resolution to the Department of Environmental Protection and authorize a Resolution to the Board of Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs. Motion approved.**

- 12. Approve the purchase of land interests containing 15 acres, more or less, in Lee County, Six Mile Cypress II Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Williams to approve the purchase of land interests containing 15 acres, more or less, in Lee County, Six Mile Cypress II Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

- 13. Authorize a Resolution to the Department of Environmental Protection requesting reimbursement for the acquisition and associated costs for 374.53 acres, more or less, in Palm Beach County, Wellington/Acme Marsh Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gutierrez to authorize a Resolution to the Department of Environmental Protection requesting reimbursement for the acquisition and associated costs for 374.53 acres, more or less, in Palm Beach County, Wellington/Acme Marsh Project. Motion approved.**

- 14. Approve changes to the 2000 Save Our Rivers Land Acquisition and Management Plan.**

Mr. Fred Davis, Director - Land Stewardship, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to approve changes to the 2000 Save Our Rivers Land Acquisition and Management Plan.**

Mr. Frederick Dyer Singer, a resident of River Acres, objected to the addition of this area to the SOR list. Ms. Sheryl Wood, Deputy General Counsel, said staff will meet with Mr. Singer to address his concerns.

**Motion approved.**

- 15. Approve the repeal of Rule No. 3.205 Management Employment Policy (Docket #00-04p); Rule No. 3.201 Equal Employment Opportunity Policy (Docket #00-03p); Rule No. 3.704 Grievance Policy (Docket #00-02p); Rule No. 3.603 Corrective Action Policy (Docket #00-01p).**

Ms. Sandra Turnquest, Director, Human Resources, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the repeal of Rule No. 3.205 Management Employment Policy (Docket #00-04p); Rule No. 3.201 Equal Employment Opportunity Policy (Docket #00-03p); Rule No. 3.704 Grievance Policy (Docket #00-02p); Rule No. 3.603 Corrective Action Policy (Docket #00-01p). Motion approved.**

**16. Adopt revisions to Rule 40E-1.607(1), F.A.C. (Water Use Permit Application Processing Fees).**

Ms. Terrie Bates, Director, Environmental Resource Regulation, said this action is needed to correct scrivener's errors in the Individual Irrigation Water Use Permit Application Processing Fees.

**Motion by Mr. Gleason to adopt revisions to Rule 40E-1.607(1), F.A.C. (Water Use Permit Application Processing Fees) to correct scrivener's errors in the Individual Irrigation Water Use Permit Application Processing Fees (Docket Number 99-16). Motion approved.**

**17. Adopt revisions to 40E-4 and 40E-40, F.A.C., & the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, November, 1996".**

Ms. Susan Martin, Sr. Attorney, Office of Counsel, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to adopt revisions to 40E-4 and 40E-40, F.A.C., & the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, November, 1996" to make clarifications including references, citations, & other matters. (Docket No. 99-01). Motion approved.**

**18. Adopt amendments to the Exceptions to the Uniform Rules of Procedure and other related rules.**

Ms. Cecile Ross, Sr. Attorney, Office of Counsel, presented information on this item. a copy of the material used in her presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve Adopt amendments to the Exceptions to the Uniform Rules of Procedure and other related rules, including Chapters 40E-0, 40E-1, 40E-3, 40E-4 and 40E-21, F.A.C. to incorporate comments from the Joint Administrative Procedures Committee on District procedural rules. (Docket #00-13). Motion approved.**

## **Close Public Hearing**

Chairman Collins closed the public hearing.

## **V. MORNING DISCUSSION AGENDA**

### **BUSINESS DISCUSSION AGENDA ITEMS**

#### **REPORTS FROM STAFF OF THE BOARD**

##### **19. Ombudsman's Report**

Mr. Richard Williams, District Ombudsman, presented the report. A copy of the report is included in the official record of this meeting.

Ms. Williams asked that staff underline those items in the report that have been closed.

##### **20. General Counsel's Report**

Mr. John Fumero, General Counsel, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Gleason noted litigation by the District against Palm Beach County Water Utilities. He said he may have a conflict of interest on this matter when it comes before the Board as part of the Afternoon Regulatory Agenda. Mr. Gleason said he is concerned whenever one government agency sues another, but will not vote on this matter.

##### **21. The Executive Director's Report**

Mr. Finch presented the report. A copy of the report is included in the official record of this meeting.

Mr. Finch updated the Board on items discussed at the Board/Executive Director's Retreat. He said follow-up items include delegation of authority, improving accountability of managers and efficiency items.

Mr. Finch said an important improvement would involve freeing the Board Advisory Committees from the administrative burden of compliance with Florida's Government in the Sunshine Law mandated by their relationship with the Board.

He said committees have been briefed on this proposal, and have reached an agreement to support this action.

Mr. Finch recommended approval of item 44, a Resolution decommissioning the Agricultural, Utility, and Environmental Advisory Committees. He said this action would maintain the benefit of committee input, but would free committee members from the administrative burden of sunshine law compliance.

Mr. Minton said he feels this action will allow the advisory committees to function as originally intended. He said he supports approval of item 44.

Mr. Finch also reported on staff's efforts to identify additional funding in the District's budget for Everglades restoration. Board Members agreed that all budget cuts have been identified.

**22. Execute a letter agreement with the Village of Wellington which outlines a detailed plan of action for the development of projects, schedules and funding strategies for the improvement of stormwater quality in Basin B.**

Mr. Gleason noted that staff and Village Officials have been working to resolve this issue. He said progress is being made, but Village Officials are still working on the agreement. Mr. Gleason recommended that the Board defer action on this item.

Ms. Sharon Trost, Director, Everglades Stormwater Program, introduced Mr. Charles Lynn, Village Manager, Village of Wellington. Mr. Lynn said the agreement was brought before the Village Council, and conceptual agreement has been reached. He said a few minor items remain to be resolved.

Ms. Rosa Durando, Audubon Society of the Everglades, said environmental groups challenged this issue in court, but have been left out of negotiations regarding this agreement. She said the Village of Wellington is disregarding the court's decision on the challenge. Mr. Gleason asked that staff report back to the Board on Ms. Durando's concerns. Ms. Durando asked that environmental representatives be included in the negotiations.

Board Members agreed to defer consideration of this item until the May 2000 Regular Meeting.

Chairman Collins asked that the Board consider item 56 at this time. Board Members agreed.

**56. Water Conditions Report**

Mr. Tommy Strowd Director, Water Control Operations, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

**Lake Okeechobee Status  
(Members of the Okeechobee County Board of County Commissioners  
participated in discussion of this item via teleconference)**

Ms. Patricia Strayer, Director, Watershed Research and Planning, presented information on the reason for considering discharges from Lake Okeechobee during the dry season, and the process to develop alternatives for operation of the lake level. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. David Hazellief, Member, Okeechobee County Board of County Commissioners, said immediate action should be taken to improve the health of Lake Okeechobee. He said consensus can then be reached on a long-term solution.

Mr. Ed Barber, Everglades Agricultural Area/Everglades Drainage District, said his organization is willing to discuss this issue with concerned parties.

Mr. Frank Sonny Williamson, Jr., an Okeechobee cattle rancher and former Chairman of the Governing Board, said there is currently no system in place to properly handle heavy rains. He said water levels in the lake are too high and are impacting vegetation in the lake. Mr. Williamson said those interested in saving the lake have a window of opportunity now that should not be wasted.

Mr. George Long, County Administrator, Okeechobee County, said the health of the lake has suffered from high water levels over the past six years. He said action must be taken immediately to save lake fisheries.

Mr. Wayne Nelson, Fishermen Against Destruction of the Environment, said submerged vegetation in Lake Okeechobee has almost disappeared due to continued high water levels. He warned that a disaster of unparalleled proportion could occur if fish populations continue to be affected. He said outside input is needed to help the District develop a plan for addressing this problem.

Mr. John Arthur Marshall, Environmental Advisory Committee, said the committee has passed a resolution supporting the lowering of lake levels for environmental benefit.

Mr. Max Quackenbos, Martin County Conservation Alliance, urged responsible parties to take immediate action to lower lake levels.

Mr. Mack "Hoot" Worley, Economic Council of Okeechobee, said the Board has the responsibility to manage the lake without causing environmental damage. He said lake vegetation has been seriously damaged. He said the issue of water supply is important, but must be done without damaging the health of the lake.

Ms. Erin Deady, Audubon Society of Florida, said a process and timeframe must be laid out for improving lake conditions.

Mr. Carl Leonard, an Okeechobee resident, said high water levels have caused the loss of 50,000 acres of vegetation and serious damage to fish population in the lake. He said the lake level should be lowered immediately.

Mr. Philip Parsons, Florida Sugar Cane League, said there are ways to accommodate environmental concerns, and the needs of the Everglades and users of water from the lake.

Mr. Larry Harris, Friends of Lake Okeechobee, said the problem affecting the lake is high water levels. He said if quick action is not taken to lower the level of the lake, Lake Okeechobee will die.

Mr. Gene Duncan, Miccosukee Tribe of Indians of Florida, expressed concern about putting polluted water from Lake Okeechobee into the Water Conservation Areas. He urged the Board to direct staff to devise a plan to treat discharges from the lake before the water is sent into the WCA's.

Mr. Frank Marsocci, an Okeechobee resident, said high lake levels over the past several years have seriously damaged the lake.

Mr. Finch said he has asked staff to initiate action to address the condition of the lake. He said staff will support the policy decision made by the Board and will make a strong effort to improve communications with all parties.

Chairman Collins asked that staff keep the Board updated on this issue. He suggested a meeting be scheduled next week to develop reasonable actions to address problems affecting the health of the lake.

Mr. Dennis Duke, U.S. Army Corps of Engineers, said the Corps will cooperate and coordinate with staff on this effort.



- 24. Authorize entering into a Cooperative Agreement with the U.S. Army Corps of Engineers (USACE) to reimburse the District for all costs necessary to automate, operate and maintain the S-332B, S-332D and S-331 pump stations in support of the Interim and Structural Operational Plan (SOP) to avoid jeopardy to the Cape Sable Seaside Sparrow.**

Mr. Dewey Worth, Lead Environmental Scientist, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gleason to authorize entering into a Cooperative Agreement with the U.S. Army Corps of Engineers (USACE) to reimburse the District for all costs necessary to automate, operate and maintain the S-332B, S-332D and S-331 pump stations in support of the Interim and Structural Operational Plan (SOP) to avoid jeopardy to the Cape Sable Seaside Sparrow in the estimated amount of \$465,000 of which \$120,000 is budgeted and the remaining \$345,000 is subject to Governing Board approval of the April budget amendment; and funding for FY 2001, FY 2002 and FY 2003 in the amount of \$900,000 is subject to Governing Board budgetary approval. (Contract Number C-11658). Motion approved.**

- 25. Governing Board Executive Contract Summary**

Mr. Jock Merriam, Deputy Executive Director, Corporate Resources, presented a brief summary. Board Members had no questions.

- 26. Legislative Update**

Mr. Michael Slayton, Director, Government Affairs and Communication, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

- 27. A Governing Board Resolution supporting the Resolution by the Governor and Cabinet declaring "April is Water Conservation Month in Florida"**

Ms. Pat Walker, Interim Communications Director, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Ron Hamel, Executive Vice President, Gulf Citrus, Inc. and President, Florida Water Wise Council, expressed his support for approval of this resolution.

**Motion by Mr. Minton to approve a Governing Board Resolution supporting the Resolution by the Governor and Cabinet declaring “April is Water Conservation Month in Florida.” Motion approved.**

Mr. Minton asked about the status of funding for the Mobile Irrigation Laboratory program. Mr. Hamel said funding initiatives are moving forward in the legislature. Mr. Minton said the Board should support efforts to find money for this program. Board Members agreed, and Chairman Collins directed staff to send a letter to the legislature in support of those efforts.

**28. Donation of District Nursery Stock to Local Governments for Canker Related Losses**

Mr. Thomas F. McCracken, Director, Land Management Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Minton to approve the donation of District Nursery Stock to Local Governments for Canker Related Losses. Motion approved.**

Mr. Minton commended staff for their efforts on this matter.

**29. Accept jurisdiction in the matter of Team Land Development, Inc. vs. South Florida Water Management District,**

Mr. John Fumero, General Counsel, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Fumero said the petition in the case has been withdrawn by the petitioner and staff is proceeding to reject all the bids due to the determination that most bidders for this project have deficiencies in their bid packages, with the exception of the high bidder.

Mr. Stephen Teplin, an attorney representing Team Land Development, Inc., said his client will withdraw the bid.

**Motion by Mr. Berger to approve staff’s recommendation to reject all bids. Motion approved.**

**57. Update on Water Shortage Conditions**

Mr. Dean Powell, Deputy Director, Water Supply Department, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

## **Board Comment**

Ms. Carter expressed strong concern over the recent resignation of Mr. William Malone, Deputy Director, Water Resource Management. She said the Board should have taken a stronger stand on the issues leading to Mr. Malone's resignation.

Ms. Carter suggested that the Board adopt a resolution stating its trust and confidence in Mr. Malone.

Mr. Berger and Mr. Minton agreed. Chairman Collins and other Board Members said they could not support this motion for reasons of consistency and because of the precedent it would set.

Mr. Fernandez noted that Mr. Malone will continue to work with the District for a six month period. He said the Board has recognized Mr. Malone's contribution to this agency. He said the full Board has been heard on this matter and respectfully asked that Ms. Carter withdraw her motion.

Ms. Carter said she would accept an amendment recognizing Mr. Malone's significant contribution to the District, if it includes a statement regarding his future service to the District.

Mr. Fernandez said the Board recognizes Mr. Malone's significant contribution and has expressed that here today. He said that should be the statement voted on by the Board.

Ms. Carter declined to change her motion. .Chairman Collins called the question.

**Motion by Ms. Carter to adopt a Resolution affirming the Governing Board's confidence and trust in Mr. William Malone.**

**Motion did not pass for lack of a majority. Aye – Ms. Carter, Mr. Berger, Mr. Minton. Nay – Chairman Collins, Mr. Gleason, Mr. Thornton, Ms. Williams, Mr. Gutierrez, Mr. Fernandez,.**

Ms. Carter noted the formation of the Shingle Creek Restoration Working Group in Orange County. She asked that the District join the County's application for acquisition of this land. Chairman Collins directed staff to follow up on possible funds available for this effort.

Mr. Minton asked that the Human Resources Committee develop an appropriate resolution regarding Mr. William Malone.

### **23. Approval of Regional Water Supply Plans.**

Mr. Ken Ammon, P.E., Director, Water Supply Development, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Ammon said the final order regarding approval of the plan includes staff's recommendation that Board Advisory Committees be decommissioned. Chairman Collins noted that some committees have agreed to the decommissioning language, others have not finished consideration of the decommissioning proposal.

Mr. Ammon suggested that the decommission language be pulled from the final orders until all committees have fully considered the proposal.

Mr. Berger expressed concern about consistency issues if some, but not all, advisory committees are decommissioned and therefore subject to public records requirements. Chairman Collins said he shares that concern.

Mr. Gleason expressed concern that decommissioning may affect support for the water supply plans.

Chairman Collins asked that staff remove the decommissioning language from the final orders and bring the issue back to the Board in May for consideration. Board Members agreed.

Ms. Terrie Bates, Director, Environmental Resource Regulation, suggested that the Board consider the 2:00 p.m. Regulatory Consent Agenda at this time, and then return to consideration of item 23. Board Members agreed.

### **REGULATORY CONSENT AGENDA at 2:00 PM**

#### **Additions, Deletions, Substitutions**

Ms. Terrie Bates, Director, Environmental Resource Regulation noted the following changes handed out as additional backup to Item 31 of the Regulatory Consent Agenda:

#### **PERMIT APPLICATIONS**

##### **Water Use**

Alico 587 Land Trust (page 7, paragraph 1): Postponed to May 11  
Board

### **Surface Water Management**

FLL Airport-Terminal Area Roadway Project (page 2, paragraph 5):  
Postponed to May 11 Board

### **Environmental Resource**

FLL Airport Offsite Mitigation at Birch (page 1, paragraph 4):  
Postponed to May 11 Board

Miromar Lakes Phase I (page 10, paragraph 12):  
Mitigation/compensation: 191.55 acres, 121.00 acres offsite in  
Priority One Panther Habitat Lands

Nito Estates Subdivision (page 11, paragraph 2): Postponed to May  
11 Board

Golf Digest (page 16, paragraph 2): Mitigation/compensation: 1340.5  
acres, 62.5 acres in Unit 11

Pine Summit (page 19, paragraph 2): Postponed to May 11  
Board

### **Mitigation Banking**

Treyburn/Collier Mitigation Bank (page 5, paragraph 9): Permit type:  
Mitigation Banking (new construction/operation, includes  
conservation easement to the District); total acres wetlands:  
75.2; mitigation/compensation: 67.6 acres enhanced, 549.4  
acres restored/created

### **Water Use Denial**

Jack H Ross Groves (page 21, paragraph 1): Postponed to May 11  
Board

### **Consent Agreements**

Jensen Beach Land Company, Ltd (page 22, paragraph 2):  
Postponed to May 11 Board

Orange County Board of County Commissioners (page 22,  
paragraph 3): Postponed to May 11 Board

### **Seminole Tribe Work Plan**

Twelfth Annual Work Plan for the Seminole Tribe of Florida (page 25, paragraph 1): Addendum to add Limiting Condition 3 regarding sources of water for irrigation, and Limiting Condition 4 regarding the Operating Plan

### **Circuit Court Suit**

Charles Rowan, Rowan Construction-PSL, Inc., Rowan Construction, Inc., Rebecca R. Butts (page 26, paragraph 2): Added

### **Abstentions**

Abstentions were noted earlier in this meeting.

### **Pull Items for Discussion**

Ms. Bates requested that the following items be pulled: item 31, Environmental Resource (Conceptual Approval Modification) Permit application for Isles at Wellington (page 17, paragraph 5); item 31, Environmental Resource (Construction/Operation Modification) Permit application for Golf Digest (page 16, paragraph 2); item 31, Water Use Permit Modification application for Seacoast Utility Authority (page 17, paragraph 7); and item 31, Authority to file suit regarding unpermitted construction of works, dredging and filling, and destruction of seagrasses on sovereign submerged lands at Peanut Island (page 26, paragraph 1).

**Motion to approve Regulatory Consent Agenda, except for items pulled for Discussion.**

**Motion by Mr. Berger to approve the Regulatory Consent Agenda, except for items pulled for discussion. Motion approved.**

**Board Members returned to consideration of item 23.**

### **23. Approval of Regional Water Supply Plans.**

Mr. Ken Ammon, P.E., Director, Water Supply Development, said staff recommends approval of the Kissimmee Regional Water Supply Plan.

**Motion by Mr. Thornton to approve the Kissimmee Basin Regional Water Supply Plan. Motion approved**

Mr. Ron Hamel, Gulf Citrus Growers Association, commended staff for the cooperation and coordination with committee.

Mr. Gene Duncan, Miccosukee Tribe of Indians of Florida, said the plan is a compromise, and will not establish minimum flows and levels for this basin. .

Mr. Steve Walker, Seminole Tribe of Indians, expressed the Tribes' concerns about the Lower East Coast Regional Water Supply Plan. He asked that staff work to address those concerns.

Mr. Samy Faried, Lee County Regional Water Supply Authority, commented on the Lower West Coast Regional Water Supply Plan.

Mr. Roy Reynolds, Broward County, commented on the Lower East Coast Regional Water Supply Plan.

Mr. Shawn Komlos, National Audubon Society, commented on the Lower East Coast Regional Water Supply Plan.

### **Lower West Coast Regional Water Supply Plan**

**Motion by Ms. Williams to approve the Lower West Coast Regional Water Supply Plan. Motion approved.**

### **Caloosahatchee Water Management Plan**

**Motion by Ms. Williams to approve the Caloosahatchee Water Management Plan. Motion approved.**

**Concur with staff direction on the Draft Lower East Coast Regional Water Supply Plan, and direct staff to bring a final document for Governing Board approval on May 11, 2000.**

Mr. John Mulliken, Water Resources Development, presented information on this item.

**Motion by Mr. Berger to concur with staff direction on the Draft Lower East Coast Regional Water Supply Plan, and direct staff to bring a final document for Governing Board approval on May 11, 2000. Motion approved.**

### **Business Consent Agenda**

#### **Items Pulled for Discussion**

Chairman Collins pulled items 44, 47, 58, and 59.

### **Approval of the Business Consent Agenda as revised**

**Motion by Mr. Berger to approve the Business Consent Agenda as revised.  
Motion approved.**

**Items pulled for Discussion**

- 58. Dismiss with Prejudice the 1) Petition for Rulemaking and Draw-Out Proceedings regarding acquisition of the Berry Grove Lands filed by Hendry County, 2) Amended Petition for Rulemaking and Draw-Out 3) Petition for Formal Administrative Proceedings regarding Acquisition of the Berry Groves Lands filed by Hendry County and 4) Amended petition for Formal Administrative Hearing. The dismissals with prejudice are based upon among other legal requirements set forth in staff's Statement of Non-Compliance, Hendry County's lack of standing.**

Mr. John Fumero, General Counsel, said staff recommends approval.

**Motion by Mr. Berger to Dismiss with Prejudice the 1) Petition for Rulemaking and Draw-Out Proceedings regarding acquisition of the Berry Grove Lands filed by Hendry County, 2) Amended Petition for Rulemaking and Draw-Out 3) Petition for Formal Administrative Proceedings regarding Acquisition of the Berry Groves Lands filed by Hendry County and 4) Amended petition for Formal Administrative Hearing. The dismissals with prejudice are based upon among other legal requirements set forth in staff's Statement of Non-Compliance, Hendry County's lack of standing.  
Motion approved.**

- 59. Authorize the transmittal of a petition filed by R.C. Lindsey, Individually, and Jeff Hover and Eugene Whiting, as trustees of the Nevada Lin Trust to the Division of Administrative Hearings for a formal administrative hearing, conducted pursuant to Sections 120.569 and 12057(1), Fla. Stat. regarding Environmental Resource Standard General Permit Number 43-01117-P issued to Martin County for a project known as Vista Salerno Drainage Improvements.**

Mr. Fumero presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to Authorize the transmittal of a petition filed by R.C. Lindsey, Individually, and Jeff Hover and Eugene Whiting, as trustees of the Nevada Lin Trust to the Division of Administrative Hearings for a formal administrative hearing, conducted pursuant to Sections 120.569 and 12057(1), Fla. Stat. regarding Environmental Resource Standard General Permit Number 43-01117-P issued to Martin County for a project known as Vista Salerno Drainage Improvements.**



Mr. David Acton, representing Martin County, urged the Board to deny the petition.

Mr. Fumero said the petition raises water quality issues, and the District cannot go beyond the boundaries of the petition. He said since the petition raises legal questions that are within the District's authority, staff recommends that the Board accept the petition and transmit the petition to DOAH for administrative hearing.

**Motion by Mr. Minton to Authorize the transmittal of a petition filed by R.C. Lindsey, Individually, and Jeff Hover and Eugene Whiting, as trustees of the Nevada Lin Trust to the Division of Administrative Hearings for a formal administrative hearing, conducted pursuant to Sections 120.569 and 12057(1), Fla. Stat. regarding Environmental Resource Standard General Permit Number 43-01117-P issued to Martin County for a project known as Vista Salerno Drainage Improvements. Motion approved.**

**44. Approve the Resolution concerning the decommission of the Agricultural, Environmental and Utilities Advisory Committees.**

Ms. Barbara Miedema, Agricultural Advisory Committee, expressed concern that the intent of the Board is to end the function of the committees. She said the committees have been assured by staff that this is not the intent of this action.

**Motion by Mr. Minton to approve the Resolution concerning the decommission of the Agricultural, Environmental and Utilities Advisory Committees.**

Mr. Fred Rapach, Palm Beach County Utilities, questioned whether the committees will continue to have standing with the District and receive staff support. Mr. Berger said that may no longer be the case, with the approval of the resolution to decommission.

**Motion approved.**

**Consider items pulled from the Regulatory Consent Agenda,**

**31. Environmental Resource (Conceptual Approval Modification) Permit application for Isles at Wellington (page 17, paragraph 5)**

Mr. Tony Waterhouse, Director, Surface Water Management Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Gleason to approve an Environmental Resource (Conceptual Approval Modification) Permit application for Isles at Wellington (page 17, paragraph 5). Motion approved.**

- 31. Authorize District staff to file suit and take all appropriate action, including authority to settle the matter subject to the approval of the Executive Director, against Palm Beach County in the 15<sup>th</sup> Judicial Circuit (Palm Beach County) regarding unpermitted construction of works, dredging and filling, and destruction of seagrasses on sovereign submerged lands at Peanut Island (page 26, paragraph 1)**

Ms. Bates presented information on this item.

Mr. Al Ford, Counsel for Intercounty Engineering, said the filing of a lawsuit is premature. He said a restoration plan is being developed for the site which will address the problem.

Mr. Fumero said if the applicant can commit to a restoration plan, staff will not file suit for 30 days to allow the plan to be developed.

**Motion by Mr. Berger to approve staff's recommendation to authorize litigation. Motion approved. Abstain – Mr. Gleason.**

- 31. Environmental Resource (Construction/Operation Modification) Permit application for Golf Digest (page 16, paragraph 2)**

Ms. Terrie Bates, Director, Environmental Resource Regulation, said staff recommends approval.

Ms. Rosa Durando, Audubon Society of the Everglades, expressed concern that her organization requested a staff report on this issue one week ago, and only received the report on Tuesday, April 11. She said this does not give enough time for adequate review.

Mr. Gleason said he has reviewed the project and feels comfortable with it.

Mr. Berger expressed concern that the public has not had an opportunity to properly review this permit application.

**Motion by Mr. Gleason to approve an Environmental Resource (Construction/Operation Modification) Permit application for Golf Digest (page 16, paragraph 2). Motion approved. Aye - Mr. Minton, Mr. Fernandez, Mr. Thornton, Ms. Williams, Mr. Gleason. Nay - Mr. Berger, Ms. Carter.**

**31. Water Use Permit Modification application for Seacoast Utility Authority (page 17, paragraph 7).**

**Motion by Mr. Gleason to approve a Water Use Permit Modification application for Seacoast Utility Authority (page 17, paragraph 7).**

**Approved. Aye - Mr. Minton, Mr. Fernandez, Mr. Thornton, Ms. Williams, Mr. Gleason, Ms. Carter. Nay - Mr. Berger.**

Board Members agreed to consider items 32 and 33 together.

**REGULATORY DISCUSSION AGENDA**

**32. Consider a request by Eden Lakes, LC for issuance of an Environmental Resource Permit (Application 000107-4) for Eden Lakes, Miami-Dade County.**

**33. Consider a request by Eden Lakes, LC for issuance of an Environmental Resource Permit (Application 000128-8) for Park Lakes Section IV, Miami-Dade County.**

Mr. Tony Waterhouse, Director, Surface Water Management Division, presented information on these items. A copy of the material used in his presentation is included in the official record of this meeting. Mr. Waterhouse said staff recommends approval.

**Motion by Mr. Fernandez to approve:**

**A request by Eden Lakes, LC for issuance of an Environmental Resource Permit (Application 000107-4) for Eden Lakes, Miami-Dade County.**

**And to approve:**

**A request by Eden Lakes, LC for issuance of an Environmental Resource Permit (Application 000128-8) for Park Lakes Section IV, Miami-Dade County.**

**Motion approved.**

**Board Comment**

Mr. Gleason commented on the concept of permit fees covering the full cost of the permitting process. He proposed that an in-depth study of the fee system be implemented to make the process more self-sufficient.

Mr. Berger said this should be done in-house, rather than through the use of an outside consultant. He suggested that this issue be brought before the full Board. Ms. Bates said staff will schedule this issue for discussion at the May 2000 Governing Board meeting.

Mr. Gleason commented on the reduction of funding for alternative water supply programs. He said the Board should reconsider its decision on this issue. Mr. Berger agreed.

### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 4:00 p.m.